

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

CHANNEN RAY OZELL SMITH,)	
)	
Petitioner,)	
)	
v.)	Case No. 24-CV-0077-SEH-MTS
)	
MARGARET GREEN, Warden,¹)	
)	
Respondent.)	

ORDER

This matter is before the Court on three motions filed by Petitioner Channen Ray Ozell Smith, a self-represented Oklahoma prisoner: (1) a “Motion to Dismiss Charges in Petition § 2254 Writ of habeas Corpus pursuant to Fed. R. Civ. Proc. See LCvR7-1(e), 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b)(2),” filed April 24, 2024 [ECF No. 9]; (2) a Motion for E-Filing Privileges, filed May 8, 2024 [ECF No. 11]; and (3) an “Amended Motion to Dismiss charges in Petition § 2254 Writ of Habeas Corpus pursuant to Fed. R. Civ. Proc. See LCvR7-1(e), 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b)(2),” filed June 7,

¹ Smith presently is imprisoned at the Mack Alford Correctional Center (MACC) in Atoka, Oklahoma. ECF Nos. 10, 13. The Court therefore substitutes the MACC’s warden, Margaret Green, in place of Randy Harding as party respondent. *See* Rule 2(a), *Rules Governing Section 2254 Cases in the United States District Courts*. The Clerk of Court shall note on the record this substitution.

2024 [ECF No. 18]. For the following reasons, the Court denies all three motions.

A. Motions to dismiss charges

Smith seeks federal habeas relief through a Petition under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody, filed February 22, 2024 [ECF No. 1]. This Court initially directed Respondent to respond to the allegations in the Petition on or before April 18, 2024. ECF No. 5. On Respondent's motion, the Court subsequently extended the response deadline to May 20, 2024. [ECF No. 8]. On May 20, 2024, Respondent filed a Pre-Answer Motion to Dismiss 28 U.S.C. § 2254 Petition for Writ of Habeas Corpus as Untimely [ECF No. 13] and a Brief in Support of the Pre-Answer Motion [ECF No. 14].

In Smith's original and amended motions to dismiss charges, Smith appears to contend that Respondent did not timely comply with this Court's orders directing Respondent to respond to the allegations in the Petition and he asks this Court to grant his motions "to dismiss the charges and order his immediate release from custody." [ECF Nos. 9, 18]. Because the record shows that Respondent timely complied with this Court's order to respond to the allegations in the Petition on or before May 20, 2024, the Court denies Smith's original and amended motions to dismiss charges.

B. Motion for e-filing privileges

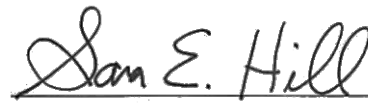
Smith requests e-filing privileges “so that [he] can continue to file everything as timely as possible.” [ECF No. 11, at 1]. As a preliminary matter, the Court notes that this motion was signed and submitted for filing by a non-party, Shelley Davis, who describes herself as Smith’s “fiancé, POA and advocate” and who does not appear to be Smith’s attorney. [ECF No. 11, at 1]. Because Smith appears in this matter without counsel, he must sign and file his own motions. See LCvR17-1(b)(2) (providing that an unrepresented litigant “may not . . . authorize any other individual who is not a member of the bar of this Court to appear on his or her behalf”). The motion is therefore improper. In addition, “[a]s a matter of routine practice, pro se parties will not be authorized to file electronically.” LCvR17-1(i). Nothing in the record suggests that deviation from this routine practice is warranted in this case. For these reasons, the Court denies Smith’s motion for e-filing privileges.

IT IS THEREFORE ORDERED that the Clerk of Court shall note on the record the substitution of Margaret Green, Warden, in place of Randy Harding as party respondent.

IT IS FURTHER ORDERED that the “Motion to Dismiss Charges in Petition § 2254 Writ of habeas Corpus pursuant to Fed. R. Civ. Proc. See

LCvR7-1(e), 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b)(2),” filed April 24, 2024 [ECF No. 9]; the Motion for E-Filing Privileges, filed May 8, 2024 [ECF No. 11]; and the “Amended Motion to Dismiss charges in Petition § 2254 Writ of Habeas Corpus pursuant to Fed. R. Civ. Proc. See LCvR7-1(e), 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b)(2),” filed June 7, 2024 [ECF No. 18] are **denied**.

DATED this 12th day of June, 2024.

A handwritten signature in black ink, reading "Sara E. Hill", is written over a horizontal line.

Sara E. Hill

UNITED STATES DISTRICT JUDGE